

From: [Frazer, Gary](#)
To: [NimsElliott, Robin](#)
Cc: [Martha BalisLarsen](#)
Subject: Re: Revised response to Amodei QFR Q16 (sage grouse)
Date: Monday, May 04, 2015 7:11:38 AM

Helen's addition is good. You can send it back to DB. Thanks. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

On Fri, May 1, 2015 at 11:12 AM, NimsElliott, Robin <robin_nimselliott@fws.gov> wrote:
Gary -

In response to questions/suggestions from Emma Roach, Helen has drafted some clarifying language for the response; however Helen would like your take on it before we send it back to the Budget office.

Please let us know if this language is okay with you.

Robin

----- Forwarded message -----

From: **Speights, Helen** <helen_speights@fws.gov>
Date: Fri, May 1, 2015 at 9:55 AM
Subject: Re: Additional QFR question on sage grouse
To: "NimsElliott, Robin" <robin_nimselliott@fws.gov>, Douglas Krofta <douglas_krofta@fws.gov>, Joyce Palmer <joyce_palmer@fws.gov>
Cc: Martha BalisLarsen <martha_balislarsen@fws.gov>, Jeanette Green <jeanette_green@fws.gov>

I think her comment is on point. However, to be clear, PECE allows the consideration of *formalized* conservation efforts if there is certainty of implementation and effectiveness. Formalized efforts are those identified in a conservation agreement or plan, so I think that is the push to complete the land management plans- so that they can be considered "formalized" and thus, subject to the Service's PECE policy. We could try to address by adding a statement like this:

Amodei Q16: Why isn't the Service seeking more time by asking the judge in the settlement case to provide several more years for the State Plans to be implemented? Without this request, Secretary Salazar's invitation seems to be a hollow gesture and the states have spent millions in state taxpayers' dollars to develop plans that are rendered meaningless because of the arbitrary decision deadline in the settlement. The States' incurred this expense in response to and in reliance upon Secretary Salazar's invitation.

Answer: The Service's 2011 Multi-District Litigation (MDL) Settlement Agreements [RE1] explicitly require the Service to submit a proposed listing rule or a not-warranted finding for the greater sage-grouse to the Federal Register by no later than the end of Fiscal Year 2015 (*See In re ESA Section 4 Deadline Litig.*, 716 F. Supp. 2d 1369 (J.P.M.L. 2010), Dkt 31-1 at Paragraph 2 and Dkt. 42-1 at Paragraph B.3.e.). **The Service's Policy for Evaluation of Conservation Efforts When Making Listing Decisions permits the Service to analyze formalized conservation efforts that have not yet been implemented or demonstrated effective when making a decision whether to list a species under the Act if the Service can establish certainty that conservation efforts will be implemented, and effective.** There is currently tremendous momentum to complete the federal land management plans and strengthen state conservation efforts. We recognize the unprecedented efforts being made by our State partners and will consider their plans in conjunction with other conservation efforts entered in our Conservation Efforts Database and the plans from BLM and the U.S. Forest Service.

I would think this needs to be run back by Gina or Gary.

Thanks,

Helen H. Speights
Branch Chief, Ecological Services Litigation Support

5275 Leesburg Pike
Falls Church, VA 22041-3803
ph: 703 358 1796

On Thu, Apr 30, 2015 at 4:53 PM, NimsElliott, Robin <robin_nimselliott@fws.gov> wrote:

Hi -

Could you take a look at Emma Roach's comments regarding our response to QFR Amodei Q16 and provide any recommended edits/comments?

Thanks,

Robin

----- Forwarded message -----

From: **Whorton, Laura** <laura_whorton@fws.gov>

Date: Thu, Apr 30, 2015 at 3:33 PM

Subject: Additional QFR question on sage grouse

To: Martha BalisLarsen <martha_balislarsen@fws.gov>, Robin NimsElliott <robin_nimselliott@fws.gov>

Cc: Rachel Merkel <rachel_merkel@fws.gov>

Hi Martha and Robin,

Emma has a comment on one of our sage grouse QFRs. I've pasted it below for ease of reference and attached the Word document if that's easier. Can you please send us your edits?

Amodei Q16: Why isn't the Service seeking more time by asking the judge in the settlement case to provide several more years for the State Plans to be implemented? Without this request, Secretary Salazar's invitation seems to be a hollow gesture and the states have spent millions in state taxpayers' dollars to develop plans that are rendered meaningless because of the arbitrary decision deadline in the settlement. The States' incurred this expense in response to and in reliance upon Secretary Salazar's invitation.

Answer: The Service's 2011 Multi-District Litigation (MDL) Settlement Agreements [RE1] explicitly require the Service to submit a proposed listing rule or a not-warranted finding for the greater sage-grouse to the Federal Register by no later than the end of Fiscal Year 2015 (*See In re ESA Section 4 Deadline Litig.*, 716 F. Supp. 2d 1369 (J.P.M.L. 2010), Dkt 31-1 at Paragraph 2 and Dkt. 42-1 at Paragraph B.3.e.). We recognize the unprecedented efforts being made by our State partners and will consider their plans in conjunction with other conservation efforts entered in our Conservation Efforts Database and the plans from BLM and the U.S. Forest Service. There is currently tremendous momentum to complete the federal land management plans and strengthen state conservation efforts.

[RE1]The question suggests what might be a misunderstanding about whether implementation of plans is needed. My understanding is that the FWS PECE policy requires FWS to evaluate whether a conservation effort is likely to be implemented and likely to be effective. While it is obviously easier for FWS to tell whether a fully implemented plan is effective or not, I wonder if FWS shouldn't explain this background in the response and indicate that FWS can reach a conclusion that a plan is likely to be implemented and likely to be effective, even if the state plans have not been implemented

Thanks,

Laura

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Robin Nims Elliott
Chief, Division of Budget and Technical Support

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*We've moved! As of 7/28/2014 our new address is:
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*"We cannot all do great things, but we can do small things with great love." -
Mother Teresa*

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